

## **R E M A R K S**

The office action of June 30, 2005 has been reviewed and its contents carefully noted. Reconsideration of this case, as amended, is requested. Claims 1 through 31 remain in this case, claim 1 being amended and claim 31 being added by this response. No new matter has been added. More specifically, claim 31 is supported by page 9, line 16, page 10, lines 15-26 and figures 2A, 4, and 6 of the application, as filed.

### **Statement of the Substance of the Interview**

The Applicant's agent, Meghan Van Leeuwen, had telephone interviews with the Examiner, Brian Sines, on September 8, 2005 and September 21, 2005.

There were no exhibits shown or demonstrations exhibited during either telephonic interview.

All of the pending claims were discussed in the interviews. No prior art was discussed during the interviews.

During the September 8, 2005 telephone call, Applicant's agent requested a date and time to set up a telephone interview to discuss changes to overcome the 112 rejection. The Examiner brought up some questions he had regarding the claims and the 112 rejection, such as whether or not there were channels in the modules. These questions are discussed further in this response.

During the September 21, 2005 telephone interview, the Examiner stated that the amendments proposed herein appeared to overcome the 112 rejection, and the Applicant's agent agreed to send in the response with the proposed amendments.

Applicant believes that this statement satisfies the requirements to file a Statement of the Substance of the Interview, and accurately represents the substance of the interview conducted. If the Examiner disagrees, or believes for any other reason that direct contact with Applicants' agent would advance the prosecution of the case to finality, he is invited to telephone the undersigned at the number given below.

## **Rejection under 35 U.S.C. §112**

Claims 1-30 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully disagrees with the rejection.

"[A] claim which fails to interrelate essential elements of the invention as defined by applicant(s) in the specification may be rejected under 35 U.S.C. 112, second paragraph, for failure to point out and distinctly claim the invention"  
[MPEP 2172.01].

More specifically, the Examiner states that the claims were rejected as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. [MPEP 2172.01] Regarding claim 1, the Examiner states that "it is unclear as to how each of the modules are fluidically connected to one another when positioned within the wells of the alignment base. Are the ports located on the side or top surface of each module? The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device" [present office action, dated June 30, 2005, page 2, lines 12-16].

Regarding claim 1 as presented in the previous office action response filed on April 6, 2005, the Applicant believes the claim to be complete and not indefinite. The claimed system comprises a base, a plurality of modules, and a cover plate. These three elements are interrelated in that the modules fit in a plurality of wells in the base and the cover plate mates with the alignment base to apply pressure to the modules. Regarding how the fluid connections are made, which the Examiner states to be unclear, in the claimed system adjacent modules overlap to align their fluid communication ports, and when the cover plate is mated with the base, pressure seals the communication ports from leakage. The Applicant believes that the location of the ports as "around the periphery" is sufficient in combination with the alignment achieved by the overlap to show their location and interrelationship and how the modules are fluidly connected. The Applicant does not believe any further limitation to be necessary, such as suggested by the Examiner's question as to whether the ports are on a side or a top surface.

The Applicant believes that claim 1 as presented in the previous office action response filed on April 6, 2005 is complete and not indefinite. As argued above, the interrelationship of the elements of previously presented claim 1 is complete and definite. The Applicant does not believe any further limitation to claim 1 to be necessary.

To further prosecution of this case, however, the Applicant has amended claim 1 to clarify the fluidic connection between the modules. No new matter has been added. The amendments are fully supported by the language of claim 1 as filed. The Applicant believes that the amendments to claim 1 do not change the scope of the claim.

Regarding amended claim 1, the language has been amended to clarify that fitting the modules into the wells forms overlap regions for modules in adjacent wells. The ports in the overlap regions align to form the module-to-module fluid connections.

In the telephone interview on September 8, 2005, the Examiner posed several questions to Meghan Van Leeuwen, attorney for the Applicant, which were not identified in the present office action, dated June 30, 2005. Specifically, the Examiner asked the following questions regarding fluidic operations within a module: Are there channels in the modules? Are there channels connecting the ports? In an individual module, how do you get fluid from port to port?

Claim 1 is complete, and all of the elements of the invention are interrelated in claim 1. The internal connections of the modules need not be claimed in claim 1, but claim 31 has been added to address the Examiner's questions. Claim 31 defines at least one fluidic connection within the modules. In addition, the application itself explains different types of microfluidic modules (page 10, line 6 to page 12, line 12). Claims 11 through 15, as filed, also further define the microfluidic modules.

Applicant believes that these amendments have fully addressed the Examiner's rejections, and the claims are now in condition for allowance. Reconsideration and withdrawal of the rejection are respectfully requested.

### **Allowable Subject Matter**

The Examiner indicated that claims 1 through 30 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, second paragraph.

Claim 1 should now be allowable. Claims 2-31, being dependent upon and further limiting claim 1, should also be allowable for that reason, as well as for the additional recitations they contain. Reconsideration and withdrawal of the objection are respectfully requested.

### **Conclusion**

Applicant believes the claims, as amended, are patentable over the prior art, and that this case is now in condition for allowance of all claims therein. Such action is thus respectfully requested. If the Examiner disagrees, or believes for any other reason that direct contact with Applicants' attorney would advance the prosecution of the case to finality, he is invited to telephone the undersigned at the number given below.

"Recognizing that Internet communications are not secured, I hereby authorize the PTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file."

Respectfully Submitted:

Zhou et al.

By:

Meghan Van Leeuwen, Reg. No. 45,612  
Attorney for Applicant

BROWN & MICHAELS, P.C.  
400 M&T Bank Building - 118 N. Tioga St.  
Ithaca, NY 14850  
(607) 256-2000 • (607) 256-3628 (fax)  
e-mail: [docket@bpmlegal.com](mailto:docket@bpmlegal.com)  
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